

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DWAYNE HARRIS Jr.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 25-CV-0683-SMY
)	
WARDEN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

On June 3, 2025, the Court dismissed Dwayne Harris’ petition for writ of *habeas corpus* under 28 U.S.C. § 2241 (Docs. 1, 7, 8) for failure to exhaust the administrative remedies. Petitioner now seeks reconsideration of this ruling (Doc. 9), contending the exhaustion requirement should be waived.

“Rule 60(b) permits the court in the exercise of discretion to relieve a party from an order on the grounds of mistake, inadvertence, excusable neglect, newly discovered evidence, fraud, or ‘any other reason justifying relief’” *McCormick v. City of Chicago*, 230 F.3d 319, 327 (7th Cir. 2000). Harris contends his previously scheduled Residential Reentry Center placement date, July 10, 2025, has been delayed to October 12, 2025, and requests the Court waive the administrative exhaustion requirement, citing “irreparable harm” (Doc. 1, p. 2).

Exhaustion may be excused when: (1) it causes prejudice due to delay or indefinite timelines; (2) the agency lacks authority or competence to grant relief; (3) the process would be futile due to bias or a predetermined outcome; or (4) substantial constitutional issues are raised. *Iddir v. INS*, 301 F.3d 492, 498 (7th Cir. 2002). Harris has not demonstrated that any of these exceptions apply to his case. Indeed, he failed to initiate even the first level of the BOP’s

administrative remedy process. *See McLemore v. Cross*, No. 13-163-CJP, 2014 WL 335445, at *2 (S.D. Ill., Jan. 30, 2014) (the court dismissed the petitioner's § 2241 pre-release placement request for failure to initiate administrative remedy despite claims of time constraints).

Accordingly, the Motion for Reconsideration (Doc. 9) is **DENIED**.

IT IS SO ORDERED.

DATED: September 2, 2025



STACI M. YANDLE
United States District Judge